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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:)	Attorney Docket No. 23439-016-401
Jay PETERSON, <i>et al.</i>)	Group Art Unit: Not yet assigned
Serial No.: 09/708,713)	Examiner: Not yet assigned
Filed: November 9, 2000)	

For: UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSOR
(RES) FOR MOTOR VEHICLES

**REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. § 1.47(b)**

ATTN: Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

MAY 15 2002

OFFICE OF PETITIONS

Sir:

In response to the Decision Refusing Status Under 37 C.F.R. §1.47(b) ("Decision"), mailed January 15, 2002, Applicants respectfully submit this Request for Reconsideration addressing each of the issues raised in the Decision. Specifically, the Decision indicated that Applicants had failed to supply a Statement of the last known address for each of the non-signing inventors, proof that a copy of the application was sent or given to each of the non-signing inventors for review, proof that each of the non-signing inventors refused to sign and proof of irreparable damage.

STATEMENT OF LAST KNOWN ADDRESS

Regarding the Statement of Last Known Address for each of the non-signing inventors, Applicants respectfully submit that the last address known for each of the named inventors are believed to be as indicated on the unexecuted Declaration submitted with the Petition filed November 13, 2001. Those addresses are:

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DOCKET No.: 23439-016-401

Jay Peterson
1204 Torro Canyon Road
Montecito, California 93108;

David R. Nelson
5350 East Camino Cielo
Santa Barbara, California 93015;

Troy P. Bahan
442 Ribera Drive
Santa Barbara, California 93111;

George C. Polchin
520 Victoria Street
Santa Barbara, California 93111; and

Michael D. Jack
75 Coromar Drive
Goleta, California 93117.

**PROOF THAT A COPY OF THE APPLICATION WAS
SENT OR GIVEN TO EACH OF THE NON-SIGNING INVENTORS**

The Decision mailed January 15, 2002 ("Decision") states on page 3 that Petitioners lack proof that a copy of the application as filed was sent or given to the non-signing inventors for review. The Decision also states that a copy of the prior application Serial No. 09/521,858 was sent to the inventors and that subsequently an Amendment and the Declaration for the present application was sent to each of the inventors. However, Petitioners respectfully submit that several copies of the application, as filed, had been sent to the inventors. As evidence of this, Applicants resubmit the letters dated November 3, 2000 sent by Devin S. Morgan to each of the inventors enclosing a copy of U.S. Patent No. 5,726,450, the Preliminary Amendment, and the Reissue Declaration. In addition, Petitioners are resubmitting the letters dated October 12, 2001 sent by Christopher Cuneo to each of the named inventors, and enclosing U.S. Patent No. 5,726,450, the Preliminary Amendment, and the Reissue Declaration. Petitioners respectfully submit that each of these letters constitute evidence that

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copies of the application papers, as filed, were sent to each of the inventors. In addition, Petitioners respectfully submit that the present application, Serial No. 09/708,713, is a continuation of the prior application, Serial No. 09/521,858 and that the application papers in each case are identical.

Petitioners respectfully submit that the lack of response from each of the named inventors in this case constitutes a refusal to sign by conduct. Petitioners respectfully resubmit the tracking information for each of the letters mailed October 12, 2001, indicating that inventors Peterson, Nelson, Polchin, and Jack all received the copy of the application papers and, to date, have not responded. Regarding inventor Bahan, Petitioners resubmit the tracking information indicating that Federal Express could not locate Mr. Bahan. In addition, Petitioners respectfully submit the results of an on-line search showing that no one with the last name Bahan could be located in Goleta, California. Petitioners respectfully submit that inventor Bahan, cannot be located at his last known address, or, via internet search.

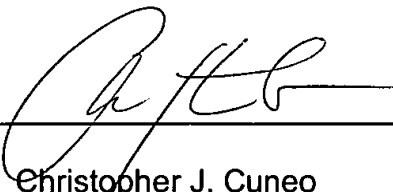
For at least these reasons, Petitioners respectfully request that the Decision be reconsidered and Petitioners be granted status under 37 C.F.R. §1.47(b).

I, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, PC

Dated: May 9, 2002

By: 
Christopher J. Cuneo
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